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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,888	01/14/2000	Peter Joseph Hollands	0142-0309P	7631
2292	7590	01/13/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	
DATE MAILED: 01/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/482,888	HOLLANDS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julian D. Huffman	2853	<i>AW</i>

-- The MAILING DATE of this communication app ars on the cover sheet with th correspond nce address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3 and 5-12 is/are pending in the application.  
 4a) Of the above claim(s) 7 is/are withdrawn from consideration.  
 5) Claim(s) 8-10 is/are allowed.  
 6) Claim(s) 1,3,5,11 and 12 is/are rejected.  
 7) Claim(s) 6 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 January 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 October 2003 has been entered.

### ***Election/Restrictions***

2. Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugitani et al. (U.S. 4,611,219).

Sugitani et al. disclose an ink jet printhead comprising :

a channel plate provided with a plurality of ink channels in at least one surface thereof (5);

actuators respectively associated with each of the ink channels for pressurizing ink contained in the ink channels (2);

electrodes operatively associated with each of the actuators for individually energizing the actuators (column 2, lines 51-53); and

means defining an ink reservoir (4-1) communicating with the ink channels, wherein said ink reservoir is defined by a base member (1) made of a material different from that of the channel plate (column 2, lines 45-47, column 3, lines 30-31, column 3, lines 22-25 and 35-39), wherein the channel plate is held in butting engagement with a surface of the base member in which an ink supply passage is formed for establishing fluid communication between the ink reservoir and the ink channels (fig. 1);

wherein an adhesive layer is provided between the channel plate and the base member (column 3, lines 18-21); and

wherein the channel plate is made of silicon (column 3, lines 22-25).

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5. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al.

Matsumoto et al. disclose an ink jet printhead comprising :

a channel plate (fig. 1, element 1) provided with a plurality of ink channels in at least one surface thereof (fig. 3, elements 5, 5a);

a second channel plate having a plurality of ink channels etched into at least one surface thereof (fig. 1, opposing element 1);

actuators respectively associated with each of the ink channels for pressurizing ink contained in the ink channels (electrodes 8, page 8 of translation); and

a base member (2) made of a material different from that of said first and said second channel plate (page 8), wherein an ink reservoir (6) is formed, said ink reservoir communicating with the ink channels via the ink supply passages (4a, page 8), and wherein a portion of the base member forms a support plate sandwiched between said first channel plate and said second channel plate (fig. 1).

***Response to Arguments***

6. Applicant's arguments were previously addressed in the advisory action.

***Allowable Subject Matter***

7. Claims 8-10 are allowed.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (703) 308-6556. The examiner can generally be reached Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, can be reached at (703) 308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JH

→  
Thinh Nguyen  
Primary Examiner  
Technology Center 2800

January 2, 2004